1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

422

From what Adair tells us[14a] it would seem that the stones used in playing the chunkey game were town property.

[592]

The house, and probably the necessary household furniture, belonged to the wife, the tools made and used by the husband to him, and thus they were vested in different clan groups and some of them probably went to entirely different persons at the death of the owners. In early times such a large part of a man's personal property was buried with his corpse that not much was left for heirs to quarrel over. Bartram says that the first selection from whatever was left was made by the head wife of the deceased, the remainder being divided between his other wives and his children.[15] This may have been true in certain special cases but there is reason to doubt that it represented a custom common in earlier times. Says Eakins:

428•

"The descent of property is fixed. It is willed as the parents please. But if no will has been made, the property reverts to the children. But in case of a marriage with a widow, with children, her property reverts to her children by her first husband. The eldest son is entitled only to an equal portion with the rest. A written will is binding. A verbal will, established by two responsible persons, is valid also. If there has been no other disposition made of the medal, it goes to the eldest son. In former times, all relics were taken possession of by the deceased sister's eldest son. But now they are the subject of legacy as other property."[16]

This statement dates, of course, from a comparatively late period in the history of the Creek Indians, about the year 1850. The same authority states just above that anciently all property descended in the female line—indeed, he implies as much in the quotation just given—and there is every reason to believe that this is correct. It is confirmed by Gregg.[17]

423

As to the lands of the confederacy outside of these town areas we may probably rely upon the following statement, also by Bartram:

642

"Every individual inhabitant has an equal right to the soil and to hunt and range over this region, except within the jurisdiction of each town or village, which I believe seldom extends beyond its habitations and planting grounds. Perhaps the *Uches* are to be excepted. They claim an exclusive property, by right of a contract; but though they sometimes put the Creeks in mind of this privilege, when their hunters make too free with their hunting grounds, yet the dispute seldom goes further, as the Confederacy are cautious of offending the Uches, and yield to their common interest and safety."[18]

[14a] See p. 466.

[15] Bartram, Travels, p. 514.

[16] Schoolcraft, Ind. Tribes, vol. I, p. 282.

[17] Gregg, Commerce of the Prairies, in Thwaites, Early Western Travels, vol. 20, p. 317.

[18] Bartram in Trans. Am. Eth. Soc., vol. III, p. 22.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

764

"To perpetuate the memory of any remarkable warriors killed in the woods, I must here observe, that every Indian traveller as he passes that way throws a stone on the place, according as he likes or dislikes the occasion, or manner of the death of the deceased.

"In the woods we often see innumerable heaps of small stones in those places, where according to tradition some of their distinguished people were either killed, or buried, till the bones could be gathered; there they add Pelion to Ossa, still increasing each heap, as a lasting monument, and honor to them, and an incentive to great actions. . . .

"The Indians place those heaps of stones where there are no dividings of the roads, nor the least trace of any road. And they then observe no kind of religious ceremony, but raise those heaps merely to do honor to their dead, and incite the living to the pursuit of virtue. . . .

"To prevent pollution, when the sick person is past hope of recovery, they dig a grave, prepare the tomb, anoint his hair, and paint his face; and when his breath ceases, they hasten the remaining funeral preparations, and soon bury the corpse. One of a different family will never, or very rarely, pollute himself for a stranger; though when living, he would cheerfully hazard his life for his safety; the relations, who become unclean by performing the funeral duties, must live apart from the clean for several days, and be cleansed by some of their religious order, who chiefly apply the button-snakeroot for their purification, as formerly described: when they purify themselves by ablution. After three days, the funeral assistants may convene at the town-house, and follow their usual diversions. But the relations live recluse for a long time, mourning the dead. . . .

"The modern Indians bury all their movable riches, according to the custom of the ancient Peruvians and Mexicans, insomuch, that the grave is heir of all. . . .

"Notwithstanding . . . they never give them the least disturbance; even a blood-thirsty enemy will not despoil nor disturb the dead. The grave proves an asylum, and a sure place of rest to the sleeping person, till at some certain time, according to their opinion, he rises again to inherit his favorite place,—unless the covetous, or curious hand of some foreigner, should break through his sacred bounds."[20]

Adair cites an instance of reform, however, in the case of Malahche, chief of Coweta, and a long-standing friend of the whites, who left all of his property to his relations instead of allowing it to be buried with his corpse.[21] [428]

In another place Adair says that—"When any of their relations die, they immediately fire off several guns, by one, two, and three at

[20] Adair, Hist. Am. Inds., pp. 179-181.

[21] Ibid., p. 178.